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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,324	07/30/2001	Hisatake Togoe	B-4249 618948-8	4470

7590 10/05/2004

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EXAMINER

BATURAY, ALICIA

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,324

Applicant(s)

TOGOE, HISATAKE

Examiner

Alicia Baturay

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/918,324.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9282004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract is objected to because of the following informalities: The first sentence is awkward. It is suggested that it read "The conventional internet telephone system is inconvenient in that it cannot be utilized unless a user is at a personal computer."

Additionally, Applicant states "According to the present invention, there is provided an internet telephone system..." It is suggested that Applicant revise this to read "The present invention provides for an internet telephone system..." These corrections are exemplary and further corrections within the specification are required.

4. The disclosure is objected to because of the following informalities: on page 4 in the second paragraph, and on page 8 in the second paragraph, Applicant writes "summerizingly." It is believed Applicant meant "summarily." Appropriate correction is required.

Drawings

5. The drawings are objected to because in Figure 3, element S5, the word "Server" is spelled incorrectly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 3 is objected to because of the following informalities: Applicant uses the word "summerizingly." It is believed Applicant meant to write "summarily." Additionally, Applicant states "...transmitted from respectives of a plurality of said stores." It is suggested that Applicant revise this to read "...transmitted from a plurality of said stores." Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al (U.S. 6,359,880).

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9. As to claim 1, Curry discloses an internet telephone system utilizing a portable information apparatus (Curry, col. 1, lines 9-14) comprising: a first server installed in a store (Curry, col. 5, lines 34-38) to receive information transmitted from a portable information apparatus (Curry, Fig. 2, element 63), a host computer for receiving information transmitted from the first server (Curry, Fig. 2, element 69), an internet telephone server for receiving information from the host computer (Curry, Fig. 1, element 51), and a second server for receiving information transmitted from the internet telephone server and installed by a provider (Curry, Fig. 1, element 27) to which the receiving party subscribes (Curry, Fig. 1, element 21).
10. As to claim 2, Curry discloses the invention substantially as described in claim 1, including the first server residing at a convenience store, gas station or dining-out industry (Curry, col. 5, lines 34-38). Convenience stores, gas stations and restaurants are public areas of interest.
11. As to claim 4, Curry discloses the invention substantially as described in claim 1, including defining the portable information apparatus as a cellular phone (Curry, Fig. 1, element 1).
12. As to claim 5, Curry discloses the invention substantially as described in claim 1, including defining the information as a telephone number (Curry, col. 19, lines 37-40).
13. As to claim 8, Curry discloses a method of internet telephone utilizing a portable information apparatus (Curry, col. 1, lines 9-14) comprising: registering a member of an internet telephone system utilizing a portable information apparatus (Curry, col. 16, lines 60-62; Fig.

2), transmission of a telephone number of the receiving party to a first server by using the registered portable information apparatus (Curry, Fig. 2, element 63), a host computer receiving the information from the first server (Curry, Fig. 2, element 69), internet telephone server receiving the information from the host (Curry, Fig. 1, element 51), the receiving party's provider receiving the information from the internet telephone server (Curry, Fig. 1, element 27), and the receiving party who subscribes to the provider receiving the information (Curry, Fig. 1, element 21).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry as applied to claim 1 above, and further in view of Kolls (U.S. 6,615,183).

16. As to claim 3, Curry discloses the invention substantially as described in claim 1, including a host computer (Curry, Fig. 2, element 69). But Curry does not teach the host computer residing in the head office of the store and controlling the information transmitted from the plurality of stores. In a similar system, Kolls teaches a server that can monitor and control related or unrelated networks (Kolls, col. 13, lines 26-28). It would have been obvious to

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combine the teachings of Curry and Kolls to allow corporate headquarters to employ the uses of a local server to monitor a plurality of stores (Kolls, col. 46, lines 4-6).

17. As to claim 6, the combination of Curry and Kolls (Curry-Kolls) discloses the invention substantially as described in claim 1, including the POS and server sharing the same body (Kolls, col. 13, lines 19-23).

18. As to claim 7, Curry-Kolls discloses the invention substantially as described in claim 1, including the POS having the capability to communicate with the portable information apparatus without the server (Kolls, col. 9, lines 23-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (703) 305-8865. The examiner can normally be reached on 7:15am - 3:45pm, Monday - Friday. The examiner will be moving in mid-October and can be reached then at (571) 272-3981. The Tech Center main telephone number will be (571) 272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER